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**TRANSMITTAL
FORM**

(to be used for all correspondence after initial filing)

TRANSMITTAL FORM (to be used for all correspondence after initial filing)	Application Number	10/696,934	
	Filing Date	October 30, 2003	
	First Named Inventor	Shao et al	
	Art Unit	3683	
	Examiner Name	Devon C. Kramer	
Total Number of Pages in This Submission		Attorney Docket Number	2448-000011

ENCLOSURES (check all that apply)

<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input checked="" type="checkbox"/> Amendment / Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____	<input type="checkbox"/> After Allowance Communication to Technology Center (TC) <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input type="checkbox"/> Other Enclosure(s) (please identify below):
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Remarks

The Commissioner is hereby authorized to charge any additional fees that may be required under 37 CFR 1.16 or 1.17 to Deposit Account No. 08-0750. A duplicate copy of this sheet is enclosed.

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual name	Harness, Dickey & Pierce, P.L.C.	Attorney Name	W. R. Duke Taylor	Reg. No.	31,306
Signature					
Date	January 10, 2005				

CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.

Typed or printed name	W. R. Duke Taylor	Express Mail Label No.	EV 570 163 199 US (1/10/2005)
Signature		Date	January 10, 2005

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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EV 570 163 199 US



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No.: 10/696,934
Filing Date: October 30, 2003
Applicant: Shao et al
Group Art Unit: 3683
Examiner: Devon C. Kramer
Title: Friction Material Configuration And Method
Of Manufacture For Brake Applications
Attorney Docket: 2448-000011

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

RESPONSE TO RESTRICTION REQUIREMENT

Sir:

In response to the Restriction Requirement dated December 9, 2004, please consider the following.

The Examiner requests a restriction requirement to elect a single disclosed species under 35 U.S.C. §121. The Examiner alleges that there are eight different species.

Under the statute, an application may properly be required to be restricted to one of two or more claimed inventions only if they are able to support separate patents and they are either independent or distinct. (See MPEP 803)

If the search and examination of an entire application can be made without serious burden, the Examiner must examine it on the merits, even though it includes claims to independent or distinct inventions.

A serious burden on the Examiner may be *prima facie* shown if the Examiner shows by appropriate explanation of separate classification, or separate status in the art, or a different field of search as defined in MPEP 808.02.

Here, the Examiner has failed to show such a *prima facie* case. The Examiner has failed to show that the alleged species are separately classified, have a separate status in the art, or a different field of search is required. Accordingly, the Examiner should examine all of the alleged species.

Species 1 through 8 read on Claims 1 through 9 and 11 through 28. Species 2 reads on all claims. Accordingly, Applicants believe the Examiner will find all species in his search and that a restriction requirement is unnecessary. Also, Applicants believe Claims 1 through 9 and 11 through 28 to be generic to all species, thus, Applicants believe a restriction to be unnecessary. The invention relates to a brake which includes one friction element formed from a first friction material and at least one discrete second friction element formed from a second friction material. This is shown in all of the species.

Accordingly, Applicants respectfully request reconsideration.

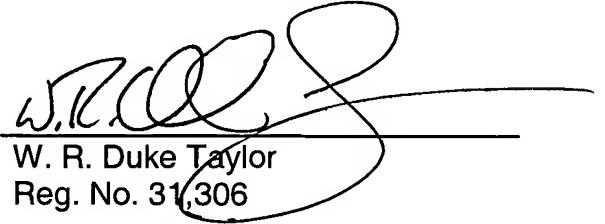
In the event that the Examiner disagrees with Applicants, Applicants respectfully request the prosecution of Species 1, Figures 1 through 3, which read on Claims 1 through 9 and 11 through 28.

Should the Examiner have any questions regarding the present application, he should not hesitate to contact the undersigned at (248) 641-1600.

Respectfully submitted,

Dated: January 10, 2005

By:



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